

## **MINUTES – SELECTMEN’S MEETING**

**Monday, May 13, 2013**

### **Selectmen’s Hearing Room**

Present: Matthew J. McDonough; Stephen G. Robbins; John E. Hall; Rocco Longo, Town Administrator

Matthew McDonough opened the meeting at 7:30 p.m.

Board Reorganization – After a brief discussion, Matthew McDonough moved, seconded by John Hall, to appoint Steve Robbins as Chairman of the Board of Selectmen. The vote was unanimous. Steve Robbins moved, seconded by Matthew McDonough, to appoint John Hall as Vice Chairman of the Board of Selectmen. The vote was unanimous. John Hall moved, seconded by Steve Robbins, to appoint Matthew McDonough as Clerk of the Board of Selectmen. The vote was unanimous.

Steve Robbins took a moment to thank John Hall and Matt McDonough for all of their help during his first two years as a Selectman and said that he looks forward to serving as chairman.

Announcements – Mr. Robbins announced that the meeting is being recorded by MCTV.

Town Administrator Report – Rocco Longo gave the Board an update on some of the things he has been working on:

- The Army Corps of Engineers has requested that the Town assist the Currituck which is scheduled to begin dredging on May 24.
- Lt. Paul Taber has been working on the installation of a Boston Area Police Emergency Response Network tower off Pleasant Street, funding for this project, which will be a great asset for the Town, was provided through Homeland Security.
- Attended Town Managers Meeting on Ethics and Legacy Fund in Westwood.
- Attended Green Communities Advisory Board meeting in Greenfield and learned of a new DEP program that provides funding to hire an Energy Manager.
- Attended MIIA Board Meeting in Waltham and discussed the implementation of the Affordable Health Care Act and how it will affect Town government.
- On Wednesday there will be a bus tour of Marshfield hosted by the Chamber of Commerce, realtors from all over the South Shore will be looking at potentially developable sites in Town.
- On Thursday, May 16 there will be a presentation on the impact of sea level rise, regional event for Scituate, Marshfield and Duxbury, at 7PM in Scituate.
- The Honor Roll event will take place at the South River Park on Sunday, June 2, 2013 at 2:00 p.m.
- Ribbon Cutting at Cask n Flagon will be on Monday, June 3, 2013, they are expecting the Chairman of the Board of Selectmen to say a few words.
- Tuesday, June 4 is the Economic Development breakfast meeting organized by John Hall and Jim Cantwell working with the Chamber of Commerce.
- Preparing for union negotiations and finalizing clerical union job descriptions.
- The new flood insurance maps are available in the Selectmen’s Office.
- They are ready to start Building Commissioner interviews and will bring recommendations to the Board of Selectmen once the interviews are complete.
- Next Thursday at 4:00 p.m. there will be a meeting with the eventual solar array project owners to hear more about the pending process.

Liquor License Violation Hearings – Captain McDonough appeared before the Board and gave an overview of the Liquor License Compliance Check that was done by the Marshfield Police Department on March 8, 2013. Captain McDonough said that they had two 19 year old males participate with detectives from Marshfield and Duxbury to conduct this operation. Captain McDonough said that there were five establishments that failed the compliance check.

**Fairview Inn:** Steve Robbins opened the hearing at 7:40 p.m. Paul Disch appeared before the Board. Steve Robbins reviewed the process for this hearing and swore in all parties interested in speaking. Captain McDonough asked Officer Goodwin a series of questions about what he witnessed at the Fairview Inn on March 8, 2013. Officer Goodwin stated that he saw a female bartender serve the underage male a Bud Light without asking for

## **MINUTES – SELECTMEN’S MEETING**

**Page 2 of 6**

**Monday, May 13, 2013**

proof of age. Captain McDonough noted that there have been no previous violations at this establishment. Paul Disch said that he is embarrassed to be here and that he takes full responsibility for the violation. Mr. Disch said that he is well aware that this is a serious matter and said that the bartender who served the minor wanted to be here but he said that it is his responsibility. Mr. Disch read a letter that he received from the bartender apologizing and promising that this will never happen again. Mr. Disch said that he personally counseled all staff and gave them a copy of the liquor policy that they were required to review and sign. Mr. Disch asked the Board to consider his past history when making their decision on a penalty.

John Hall said that employees need to consider the tragic results that can come from over serving and serving underage patrons. Matthew McDonough asked Captain McDonough if there have been any issues involving OUI or other complaints at this establishment. Captain McDonough said that there have not. Steve Robbins reiterated the seriousness of this violation, but also commended Mr. Disch on his spotless record up to this point.

John Hall moved, seconded by Matthew McDonough, to close the public comment portion of this hearing. The vote was unanimous. John Hall moved, seconded by Matthew McDonough, to find that there is credible evidence of a violation of the MGL Ch. 138, Sec. 34. The vote was unanimous. After a brief discussion regarding past history and corrective actions taken, John Hall moved, seconded by Matthew McDonough, to issue a warning to Café Disch, Inc. dba The Fairview Inn. The vote was unanimous.

**PizZings:** Steve Robbins opened the hearing at 8:00 p.m. John Kesaris and Michael Casey appeared before the Board. Steve Robbins reviewed the process for this hearing and swore in all parties interested in speaking. Captain McDonough asked Detective Brennan a series of questions about what he witnessed at PizZings on March 8, 2013. Detective Brennan stated that he saw a male bartender serve two underage males a Bud Light without asking for proof of age. Mr. Casey told the Board that he is embarrassed by this situation and said that the policy is to ID anyone who appears to be under 35 years of age and said that the bartender used a serious lack of judgment that evening.

John Hall asked how long they have been in business. Mr. Kesaris said they have been in business in Marshfield for 2 ½ years. John Hall asked if there have been previous violations. Captain McDonough said there have not. John Hall reminded Mr. Kesaris of the devastating consequences that can result from serving underage patrons. Mr. Kesaris said that the bartender on duty that night is very sorry and understands the seriousness of this violation. Mr. McDonough asked Mr. Kesaris how many other restaurants he owns and if his other restaurants have had previous violations. Mr. Kesaris said that he owns two other restaurants and had one violation 7 years ago involving an employee who was not certified to serve, that person is no longer employed by him. Matthew McDonough asked Captain McDonough if there have been any issues involving OUI or other complaints related to over serving at this establishment. Captain McDonough said there have not. Steve Robbins said that his only concern is the short length of time they have been in business in Marshfield prior to this offense. Steve Robbins asked how this situation was addressed with staff. Mr. Casey said they have a new liquor policy which all staff are required to review and sign, and all staff were required to take a TIP certification class.

John Hall moved, seconded by Matthew McDonough, to close the public comment portion of this hearing. The vote was unanimous. John Hall moved, seconded by Matthew McDonough, to find that there is credible evidence of a violation of the MGL Ch. 138, Sec. 34. The vote was unanimous. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to issue a warning to PizZings Marshfield, Inc. dba PizZings. The vote was unanimous.

**The Deck on Green Harbor:** Steve Robbins opened the hearing at 8:15 p.m. Andrew Wolan and Edward Connolly appeared before the Board. Steve Robbins reviewed the process for this hearing and swore in all parties interested in speaking. Captain McDonough asked Detective Dennis McKinney of the Duxbury Police Department a series

## **MINUTES – SELECTMEN’S MEETING**

**Page 3 of 6**

**Monday, May 13, 2013**

of questions about what he witnessed at The Deck on March 8, 2013. Detective McKinney stated that he saw a female bartender serve two underage males a Bud Light without asking for proof of age. Mr. Wolan apologized to the Board and to the Marshfield Police for the bartender’s negligence. Mr. Wolan said that the bartender’s role at the restaurant has been reduced and she has been recertified in TIPs since the violation. Mr. Wolan said that he was surprised and embarrassed that this happened at his establishment.

John Hall asked how long he has been in business in Marshfield. Mr. Wolan said he has been in business for four years. Mr. Hall noted that business in that area is slow during the winter months but that is no reason to let your guard down. Matthew McDonough asked Captain McDonough if there have been any issues involving OUI or other complaints related to this establishment. Captain McDonough said that this business attracts a younger crowd and there have been disturbance calls in the past, but the owner has always been very cooperative. Steve Robbins asked if all staff are TIPs trained. Andrew Wolan said that they have all done the online training. Steve Robbins asked Chief Tavares if the online training is as beneficial as the training done by the Police Department. Chief Tavares said that he would prefer that they do it through the Marshfield Police as he feels that is a more effective way of training staff. Matthew McDonough asked Mr. Wolan if he has any problem having his employees attend Marshfield Police TIPs training. Mr. Wolan said he does not.

John Hall moved, seconded by Matthew McDonough, to close the public comment portion of this hearing. The vote was unanimous. John Hall moved, seconded by Matthew McDonough, to find that there is credible evidence of a violation of the MGL Ch. 138, Sec. 34. The vote was unanimous. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to issue a warning to GWCC, LLC dba The Deck on Green Harbor. The vote was unanimous.

**Venus II:** Steve Robbins opened the hearing at 8:25 p.m. Stephen Drosopoulos appeared before the Board. Steve Robbins reviewed the process for this hearing and swore in all parties interested in speaking. Captain McDonough asked Detective Goodwin a series of questions about what he witnessed at the Venus II on March 8, 2013. Detective Goodwin stated that he saw a female bartender serve two underage males a Bud Light without asking for proof of age. Stephen Drosopoulos apologized to the Board of Selectmen and the Marshfield Police for this violation and said that he takes this very seriously and knows that holding a liquor license is a privilege. Mr. Drosopoulos said that this is a family business that he takes great pride in and he is embarrassed about this incident.

John Hall said that the Venus has had a long tradition in Town and talked about the devastating effects of underage drinking. Matthew McDonough asked Mr. Drosopoulos to explain what corrective action has been taken. Mr. Drosopoulos said that this incident involved a veteran bartender with eight years of experience; she has been given a reduced role at the restaurant and recertified in TIPs training. Mr. Drosopoulos said that she is very apologetic and embarrassed by this situation. Matthew McDonough asked Captain McDonough if there have been any issues involving OUI or other complaints related to this establishment. Captain McDonough said that this business also attracts a younger crowd and there have been disturbance calls in the past, but the owner has an excellent security detail and surveillance system. Chief Tavares said that there was a violent crime outside the Venus II last summer, but Mr. Drosopoulos was very helpful to police in their investigation. Chief Tavares said that he sat down with Mr. Drosopoulos in 2008 due to an increase in disturbance calls. Chief Tavares said that Mr. Drosopoulos was very cooperative and hired two detail officers on Friday and Saturday nights and there has been a great improvement since that time. Steve Robbins said that with the busy season coming up it is imperative that Mr. Drosopoulos be vigilant in ensuring that his staff check IDs.

John Hall moved, seconded by Matthew McDonough, to close the public comment portion of this hearing. The vote was unanimous. John Hall moved, seconded by Matthew McDonough, to find that there is credible evidence of a violation of the MGL Ch. 138, Sec. 34. The vote was unanimous. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to issue a warning to Venus II Bros., LLC dba Venus II Bros. The vote was unanimous.

## **MINUTES – SELECTMEN’S MEETING**

**Page 4 of 6**

**Monday, May 13, 2013**

**Jackansons:** Steve Robbins opened the hearing at 8:45 p.m. Kamallesh Patel and Amarat Patel appeared before the Board. Steve Robbins reviewed the process for this hearing and swore in all parties interested in speaking. Captain McDonough asked Lt. Sullivan a series of questions about what he witnessed at Jackansons on March 8, 2013. Lt. Sullivan said that he was in an unmarked vehicle outside Jackansons when a 19 year old male entered the store and was able to purchase and leave with two 30 packs of beer. The underage male said that he was not asked for ID. Kamallesh Patel read a statement which said that due to a large cooler delivery and construction they were short handed and a woman who does not usually work the counter was filling in. Mr. Patel said they have developed a liquor policy and he has spoken to Captain McDonough about setting up TIPs training.

John Hall asked if all staff are TIPs trained. Mr. Patel said that he is waiting to hear from Captain McDonough to set up training. Captain McDonough noted that he only heard from Mr. Patel regarding TIPs training this morning. Mr. Hall noted that there was a previous violation involving the sale of illegal cigarettes at this establishment. Matthew McDonough said that this is a different case since it involved teens purchasing two 30-packs of beer as opposed to teens being served one beer at the other establishments. Matthew McDonough asked Captain McDonough if there have been any issues involving OUI or other complaints related to this establishment. Captain McDonough deferred to Chief Tavares who gave details on the cigarette incident in 2003. Chief Tavares said that the Selectmen at that time found that Jackansons violated liquor licensing laws because illegal activity was taking place on the licensed premise and suspended the license for 5 days. Chief Tavares said that after that incident he received a letter from Amarat Patel, who was the store Manager at that time, saying that Kamallesh Patel was solely responsible for the sale of illegal cigarettes and stating that Kamallesh Patel was being suspended without pay for 30 days. Chief Tavares said that he met with Amarat and Kamallesh Patel a couple of weeks ago and Kamallesh, who is now the store Manager, said that he never received that letter and was never suspended. Chief Tavares said that this shows a lack of credibility on the part of the Patels. Steve Robbins asked Kamallesh Patel to explain. Mr. Patel said that it was a mistake on the letter and that it was supposed to go to Rashmi Patel, not himself. Steve Robbins agreed with Matthew McDonough that this is a more serious situation based on the amount of beer that was sold to a 19 year old. Mr. Robbins said that he is also concerned that they did not put a liquor policy into effect until after this incident.

John Hall moved, seconded by Matthew McDonough, to close the public comment portion of this hearing. The vote was unanimous. John Hall moved, seconded by Matthew McDonough, to find that there is credible evidence of a violation of the MGL Ch. 138, Sec. 34. The vote was unanimous. After a lengthy discussion regarding past history, lack of credibility, and options for potential sanctions, John Hall moved, seconded by Matthew McDonough, to order a 10 day suspension with 4 days being served consecutively beginning on May 30, 2013 and the remaining 6 days held in abeyance for two years. The vote was unanimous.

Proclamation – National Safe Boating Week – Steve Robbins noted that a member of the Coast Guard Auxiliary was at their last meeting and requested that the Board make this proclamation. Mr. Robbins read the proclamation into the record. John Hall moved, seconded by Matthew McDonough, to proclaim the week of May 18 through May 24, 2013 as National Safe Boating Week in the Town of Marshfield. The vote was unanimous.

Marshfield Kiwanis – Request to Use Avon Street Parking Lot – Steve Robbins read the letter from Sharon O’Connor of the Marshfield Kiwanis requesting permission to use the Avon Street parking lot for an event they are holding to celebrate the Kiwanis 75<sup>th</sup> Anniversary. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to give the Marshfield Kiwanis permission to use the Avon Street parking lot from 5:00 p.m. until 11:00 p.m. on June 7, 2013. The vote was unanimous.

Marshfield Kiwanis Entertainment and Liquor Licenses for 75<sup>th</sup> Anniversary Celebration – Steve Robbins read through the application for an entertainment license for an event at Proprietors Green on June 8, 2013 from 1:00 p.m. until 7:00 p.m. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to approve this license contingent on positive recommendations from Fire, Building and Police Departments. The vote was unanimous.

## **MINUTES – SELECTMEN’S MEETING**

**Page 5 of 6**

**Monday, May 13, 2013**

Steve Robbins read through the application for a one day Wine & Malt license from Family Crest Catering for this event. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to approve this license. The vote was unanimous.

Marshfield Chamber of Commerce Entertainment and Liquor Licenses for Citizen of the Year 2013 Event – Steve Robbins read through the application for an entertainment license for this event which is being held at Proprietors Green on June 6, 2013 from 5:30 p.m. until 8:30 p.m. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to approve this license contingent on positive recommendations from Fire, Building and Police Departments. The vote was unanimous. Ashley Stanford represented the Chamber of Commerce at this meeting and gave some details on this event.

Steve Robbins read through the application for a one day Wine & Malt license from Family Crest Catering for this event. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to approve this license. The vote was unanimous.

North River Arts Society – Festival of the Arts – Steve Robbins read the letter from Jeanne Horan requesting permits for the 37<sup>th</sup> annual Festival of the Arts. Steve Robbins noted that he also received a letter from the DPW Superintendent requesting that the Board of Selectmen once again require the NRAS to hire a police detail to ensure that festival patrons are not parking in the Marshfield Hills Cemetery. Chief Tavares said that this is an annual event and there have never been any liquor related problems, but he has reached out to Jeanne Horan and will be working with her to ensure that the necessary information is received in order to comply with the new policy prior to the event. Chief Tavares noted they have received complaints about festival patrons parking in the cemetery and he will work with Ms. Horan to provide adequate police detail to ensure that there are no problems. After a brief discussion John Hall moved, seconded by Matthew McDonough, to grant all alcohol licenses for Friday, May 24, 2013 from 6:00 p.m. until midnight and Saturday, May 25 and Sunday, May 26, 2013 from 10:00 a.m. until 5:00 p.m. The vote was unanimous. John Hall moved, seconded by Matthew McDonough, to grant permission to close Old Main Street from Pleasant to Prospect (except for emergency vehicles) from 7:00 p.m. to midnight on Friday, and from 10:00 a.m. to 5:00 p.m. on Saturday and Sunday. The vote was unanimous.

Westport Rivers Winery – Application for License to Sell at a Farmer’s Market – Steve Robbins read the letter from Robert Russell of Westport Rivers Winery, requesting a license to sell wine at the Marshfield Farmers Market during the 2013 season. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to grant this license contingent on receipt of Liquor Liability Insurance naming the Town of Marshfield as additional insured. The vote was unanimous.

Library Board of Trustees – Permission to Accept Gift – Steve Robbins read the letter from Mary Ann Walsh requesting permission to accept a gift of a painting valued at \$100-\$200 dollars to be displayed at the library. John Hall moved, seconded by Steve Robbins, to grant permission to accept this gift. The vote was unanimous.

Marshfield Fire Department – Permission to Accept Gift – Steve Robbins read the letter from Chief Robinson requesting permission to accept a gift of two ice rescue survival suits valued at \$1,415.10 dollars. John Hall moved, seconded by Steve Robbins, to grant permission to accept this gift. The vote was unanimous.

Recreation Commission Representative on Community Preservation Committee – Steve Robbins read the note from Ned Bangs recommending that Dan Donovan be appointed to represent the Recreation Commission on the Community Preservation Committee. After a brief discussion, John Hall moved, seconded by Matthew McDonough, to appoint Dan Donovan to the Community Preservation Committee for the remainder of a three year term that expires on June 30, 2015. The vote was unanimous.

Robert Shine – Application for Peddlers License – Steve Robbins read through the application for a peddler’s license to operate a hot dog cart at the Grace Ryder fields. After a brief discussion John Hall moved, seconded by Matthew McDonough, to approve this license contingent on approval from the Board of Health and the youth sports groups that

## MINUTES – SELECTMEN’S MEETING

Page 6 of 6

Monday, May 13, 2013

use those fields, and a recommendation from the safety officer on placement of the cart. The vote was unanimous.

Acceptance of Minutes – John Hall moved, seconded by Matthew McDonough, to accept the minutes of April 29, 2013 as written. The vote was unanimous.

The meeting was adjourned at 10:00 p.m. There was no executive session held.

Respectfully submitted,

Catherine Burke

*The following documents and exhibits were presented at the meeting: standard procedure for liquor violation hearing from Town Counsel; results of liquor license compliance checks from Chief Tavares; letters to establishments that failed compliance check; information on Jackansons’ previous violation; letter from Coast Guard Auxiliary regarding National Safe Boating Week; letter from Kiwanis requesting permission to use Avon Street parking lot and note from Beach Administrator recommending approval; information and applications from Marshfield Kiwanis for entertainment and liquor licenses for 75<sup>th</sup> anniversary event; information and applications from Chamber of Commerce for entertainment and liquor licenses for Citizen of the Year event; letter from North River Arts Society regarding Festival of the Arts; letter and application from Westport Rivers Winery for License to Sell at Farmers Market; email from Library Board of Trustees requesting permission to accept donation; letter from Fire Chief requesting permission to accept donation; email from Ned Bangs recommending that Dan Donovan be appointed to represent the Recreation Commission on the Community Preservation Committee; application for Peddlers License from Robert Shine;*